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# TRANSMITTAL FORM

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Total Number of Pages in This Submission

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Application Number	10/697,084-Conf. #9737
Filing Date	October 31, 2003
First Named Inventor	Tatsuhiko Tanimura
Art Unit	3714
Examiner Name	M. J. Thomasson
Attorney Docket Number	SHO-0051

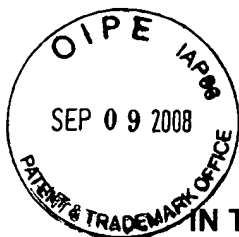
## ENCLOSURES (Check all that apply)

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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	RADER, FISHMAN & GRAUER PLLC		
Signature			
Printed name	Carl Schaukowitch		
Date	September 9, 2008	Reg. No.	29,211



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Tatsuhiko TANIMURA et al.**

Application No.: 10/697,084

Filed: October 31, 2003

For: GAMING MACHINE

Attorney Docket No.: SHO-0051

Examiner: M. J. Thomasson

Art Unit: 3714

Confirmation No.: 9737

**REPLY BRIEF**

**MS APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Answer dated July 9, 2008, Applicants hereby respond as follows:

The rejection of the claims under 35 USC §103(a) rejection is predicated on three configurations taught in the prior art:

1. In Fig. 2 of Ozaki (U.S. Patent Application Publication No. 2001/0031658), transparent EL panels 28a, 28b and 28c + openings 27a, 27b and 27c on the intermediate panel 27;
2. In Fig. 28 of Ozaki, LCD panel 24 + semi-transparent reflective plate 25; and
3. In Satoh (U.S. Patent No. 6,811,273), opening 10d through the transparent frame member 10.

It is respectfully submitted that a skilled person would NOT be motivated to provide an opening 27a,b,c (Fig. 2) on the semi-transparent reflective plate 25 (Fig. 28) of the second configuration with LCD panel 24 (Fig. 28). Accordingly, a person of ordinary skill in the art would NOT be motivated to combine the second configuration with the first or the third configuration. The Examiner summarily maintains the §103 rejection by asserting that Satoh discloses the transparent frame member 10 (Fig. 1) being formed with an opening 10.

The Examiner admits that Ozaki fails to disclose any cutouts or recess formed in the light guiding plate in the configuration shown in Fig. 28, which is an embodiment using an LCD panel 24, while pointing out that the cutouts are disclosed in the configuration shown in Fig. 2 of Ozaki, which is another embodiment using an EL panel 28a, b, c. As clearly described in paragraph [0045] of Ozaki, the intermediate panel 27 shown in Fig. 2 is opaque. Thus, cutouts are formed on the intermediate panel 27 so that the reels 30 could be seen through the opaque intermediate panel 27 and through the transparent EL panel 28a, b, c. An EL panel is a spontaneous luminescent type device that does not require backlight for displaying an image.

In the alternative embodiment shown in Fig. 28 of Ozaki, the semi-transparent reflective plate 25 is disposed in order to provide a backlight to the LCD panel 24. A skilled person would not be motivated to form a cutout, like the one formed on the opaque intermediate panel 27, on the semi-transparent reflective plate 25 that is already semi-transparent as shown by the arrows in Fig. 28.

A skilled person would also not be motivated to do so by a reason that, if a cutout is formed on the semi-transparent reflective plate 25, the backlight would not be provided to the LCD panel at the cutout when the back side display device 2 is made dark as described in paragraph [0139], causing damage to the image displayed by the LCD panel.

Accordingly, it is respectfully submitted that a skilled person would not be motivated to form a cutout on the semi-transparent reflective plate 25 as such disclosed in a different embodiment of Ozaki or in Satoh. Therefore, it is respectfully submitted that the claimed invention would not be obvious from the combination of Ozaki and Satoh.

The above arguments apply to each one of the independent claims 1, 2, 4 and 10.

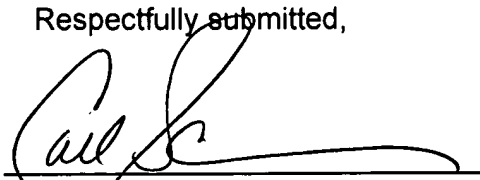
It is respectfully submitted that the Examiner had failed to establish a *prima facie* case of obviousness for the reasons set forth above either under the TSM (teaching suggestion motivation) test or the factual inquiries under Graham v. John

Deere Co. as discussed above and in detail in the Appeal Brief filed on April 22, 2008. It is respectfully requested the Board overturn the rejection and allow the pending claims.

Respectfully submitted,

Dated: September 9, 2008

By:



Carl Schaukowitch  
Reg. No. 29,211

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Enclosure(s): Transmittal of Reply Brief

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